

EXHIBIT "G-6"

DEPOSITION EXHIBIT NO. 45



Variance Petition No. V09-028

HEARING & MEETING DATES

Board of Appeals Hearing

October 8, 2009

APPLICANT/PETITIONER INFORMATION

Property Owner
Zainabia Non Profit Inc

Petitioner
Zainabia Center

Representative
Vick Gardezi

PROPERTY INFORMATION

Address, Land
Lot(s), and District

1100 Hope Road
Land Lot 363, District 6

Council District

2

Frontage and Area

130.3 feet of frontage along the north side of Hope Road. The subject property has a total area of approximately 1.01 acres.

Existing Zoning
and Use

The lot is zoned C-1(Commercial Business District) under Fulton County zoning case Z65-0050. The property is currently developed with a meeting congregation facility.

Overlay District

N/A

2027

Comprehensive
Future Land Use
Map Designation

Commercial

INTENT

The applicant is requesting five (5) primary variances from the Zoning Ordinance:

- 1) Variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
- 2) Variance from Section 4.23.2 of the Zoning Ordinance to allow for a parking lot without the required parking islands.
- 3) Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking spaces from 57 to 42.
- 4) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (A.4) to allow a permanent structure (parking lot) within a landscape strip.
- 5) Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) for relief from the requirement of planting a large shade tree every 6 parking spaces. All variances to allow for the reconfiguration and expansion of an existing nonconforming parking lot.

Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

45

BOARD OF APPEALS

V09-028

1100 Hope Road

Zainabia Non-Profit, Inc

Motion: Ruth
Second: Ken 7-0
With trees as Staff
Recommend in Revised
Conditions

Approved

RECEIVED
City of Sandy Springs
Community Development

Please call me for any questions.

Regards,

Vick Gardezi

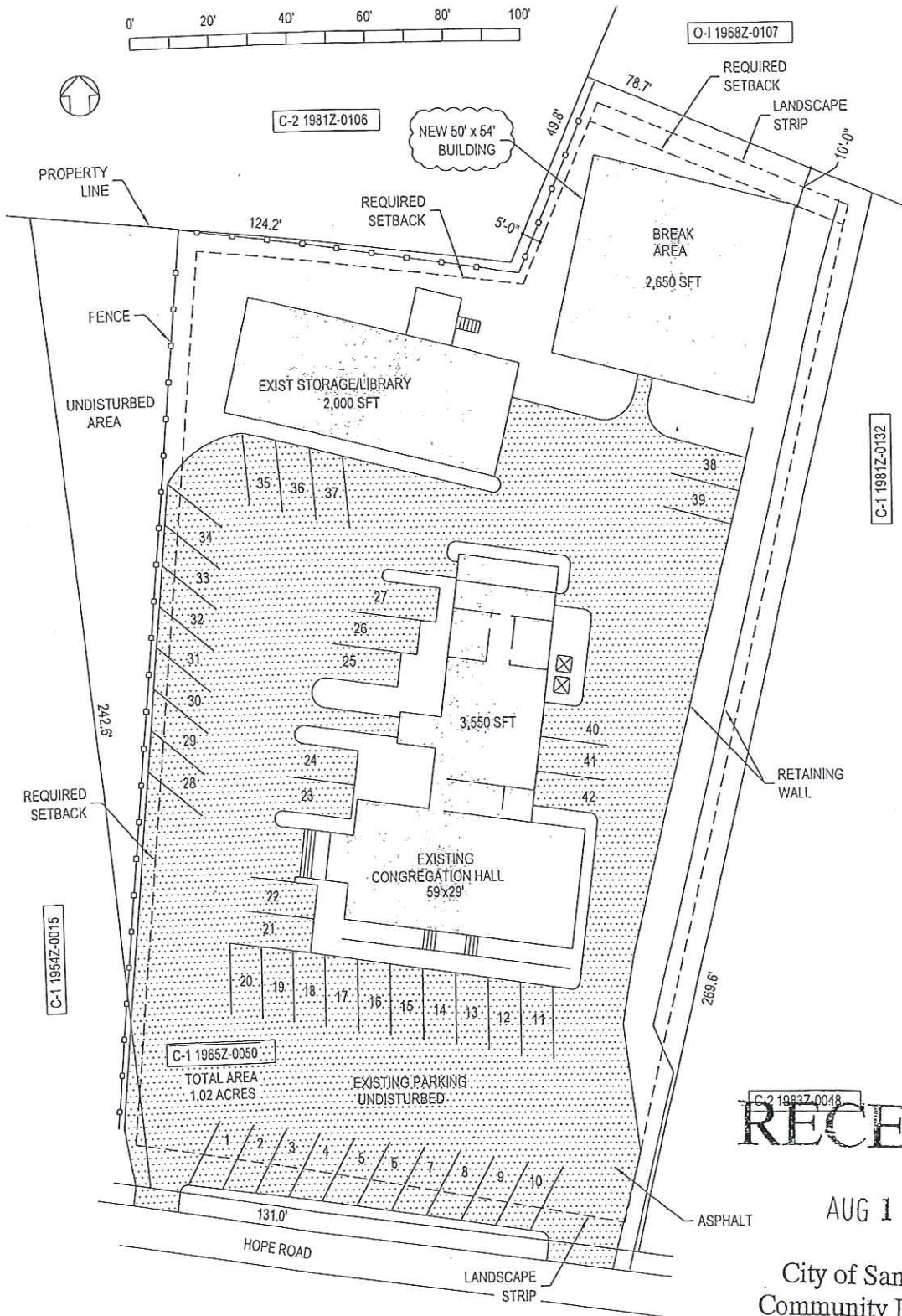
Vick Gardezi PE

Construction Committee

V090028

Attachments:

- Variance application;
- Site survey, depicting footprints of replacement and existing buildings, buffer strips, parking spots;
- Replacement building floor plan and isometric;
- Written permission of parking from NTB;
- \$350 fee for variance application;



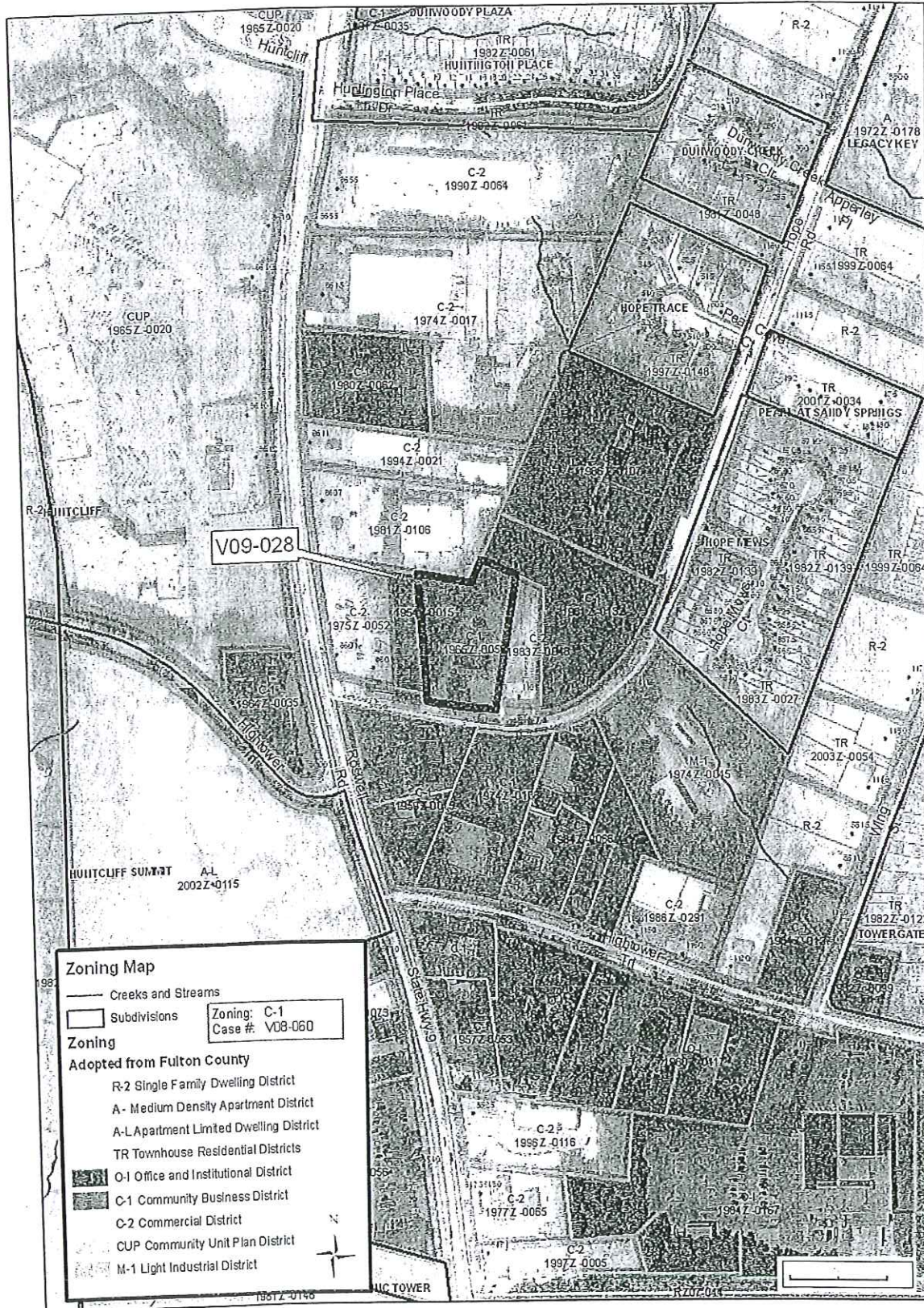
NEW LAYOUT

1:300

ATLANTA, GEORGIA

NEW LAYOUT
PARKING VARIANCE

1100 Hope Road



Prepared by the City of Sandy Springs Department of Community Development for the Board of Appeals Hearing on October 8, 2009

District) to the north and east. The abutting properties do not currently have landscape island every six (6) spaces in their parking lots.

Department Comments

The staff held a Focus Meeting on August 5, 2009 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT	Engineering Plan Reviewer	<ul style="list-style-type: none"> No comments
	Arborist/Landscape Architect	<ul style="list-style-type: none"> There is one 28" +/- pine tree in the front that will need to be protected. It doesn't appear that the site meets the minimum canopy requirements.
	Building Plan Reviewer	<ul style="list-style-type: none"> No comments
FIRE DEPT.	Fire Protection Engineer	<ul style="list-style-type: none"> Section 3.3.1 of the City of Sandy Springs Fire Ordinance requires that every existing building and all new buildings shall be accessible to fire department apparatus by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be a minimum roadway outside turning radius at the curb of 40 feet. There shall be a minimum vertical clearance of thirteen feet, six inches (13'6"). Any dead-end fire department access roadway in excess of 150 feet in length shall include a turnaround at the closed end conforming to county construction standards and specifications, latest edition. Refer to 120-3-3, modification to the 2003 IFC, "508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant mains shall be provided where required by the local responding fire department or agency. "Exceptions: "1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). "2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m)." <p>Fire hydrants may not be omitted unless written approval by the local responding fire department or agency is submitted to this office.</p>
TRANSPORTATION	Public Works Dept., Transportation Planner	<ul style="list-style-type: none"> No comments
	Georgia Department of Transportation	<ul style="list-style-type: none"> No comments

Recommended Condition(s)

Staff reviewed the request relative to the variance standards contained in Section 22.3.1 of the Zoning Ordinance. Based upon this review, staff recommends APPROVAL CONDITIONAL of the variance request. Should the Board of Appeals choose to approve the request, staff recommends the following condition:

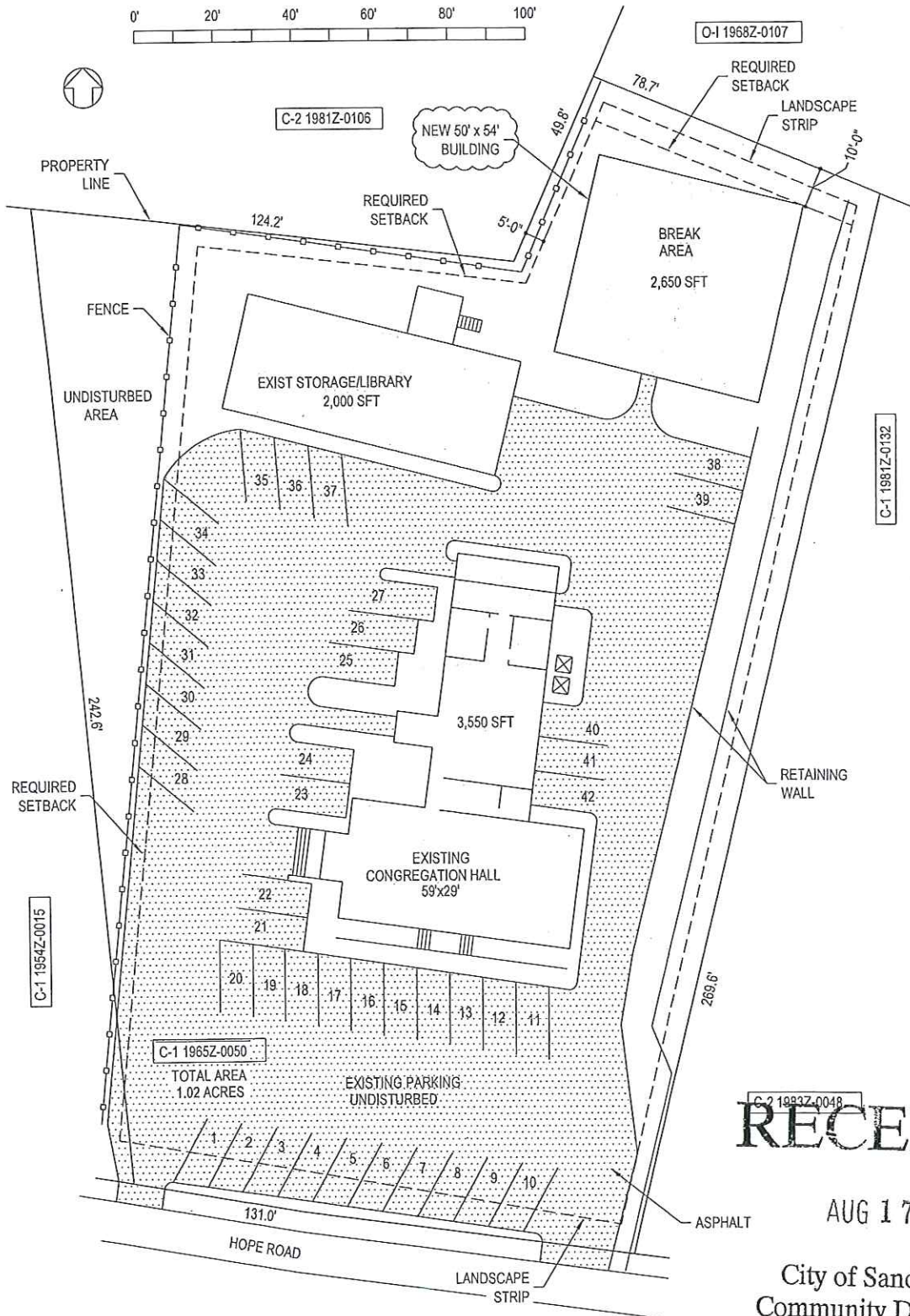
1. The lot shall be in accordance with the site plan, provided by the applicant dated received August 17, 2009 by the Department of Community Development, for the variance(s) herein, showing a 3,550 square foot existing congregation hall with a 1,711 square foot assembly area, a 2,000 square foot existing library/ storage area, a 2,650 square foot break area.
 - a. To reduce the required number of parking spaces from 57 to 42.
 - b. To reduce the required 10 foot front landscape strip to one (1) foot and the 5 foot side landscape strip to zero (0) feet.
 - c. To eliminate the required parking lot landscape islands every 6th space.
 - d. To allow a permanent structure (parking lot) within a landscape strip.
 - e. To allow for the reconfiguration and expansion of an existing nonconforming parking lot.
2. The lot shall be in accordance with the Landscape plan, provided by the City Arborist dated received October 8, 2009 by the Department of Community Development.
 - a. That the eliminated thirteen 3" parking lot shade trees be installed on the site to provide shade to the proposed parking as per a landscape plan approved by the city arborist.
 - b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

ATTACHMENTS: Letter of appeal, site plan, landscape plan and photographs.

WAQAR GARDEZI

ZAINABIA CENTER
1100 HOPE RD, SANDY SPRINGS, GA

FEBRUARY 2009



RECEIVED

AUG 17 2009

City of Sandy Springs
Community Development

NEW LAYOUT

ATLANTA, GEORGIA

1:300

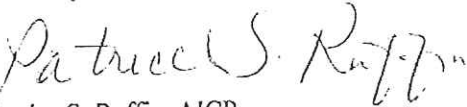
NEW LAYOUT
PARKING VARIANCE

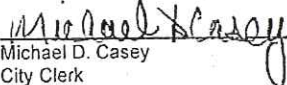


- b. The reduced landscape strip along Hope Road should be planted to meet landscape strip requirements as per a plan approved by the city arborist.

If it is necessary to resubmit plans or apply for any additional permits associated with this project, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me or Linda Abaray at (770) 730-5600.

Sincerely,


Patrice S. Ruffin, AICP
Assistant Director of Planning and Zoning

Certification of Approval	
I hereby certify that the subject case was approved by the Board of Appeals of the City of Sandy Springs with the associated conditions on the above stated hearing date.	
 Michael D. Casey City Clerk	<u>10/21/2009</u> Date

CC: Linda Abaray, Planner I
PR/la